

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                   |
|--------------------------|---|-------------------|
| -----X                   |   |                   |
| SEAN FLYNN, et al.,      | : |                   |
|                          | : |                   |
| Plaintiffs,              | : | 21 Civ. 614 (LGS) |
| -against-                | : |                   |
|                          | : | <u>ORDER</u>      |
| MCGRAW HILL, LLC, et al. | : |                   |
| Defendants.              | : |                   |
| -----X                   |   |                   |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 25, 2022, Plaintiffs filed a motion for leave to file a second amended complaint (Dkt. No. 93), and on February 25, March 1, March 25 and April 15, 2022, the parties filed motions to seal portions of the memoranda of law and exhibits filed in support of and opposition to Plaintiffs' motion (Dkt. Nos. 92, 98, 102, 106). It is hereby


**ORDERED** that the motion to seal is DENIED without prejudice to renewal. The documents and portions thereof that Defendants seek to seal or redact appear to encompass all discovery material quoted or described that was designed "confidential" or "highly confidential." The parties' confidentiality designations are not dispositive of whether the public's right of access to judicial documents overcomes competing considerations, such as the need to protect competitively sensitive information. Significant portions of the proposed redacted or sealed materials appear to concern information that is either already public or not likely to be particularly sensitive or damaging if made public. It is further

**ORDERED** that Defendants shall file, by **September 2, 2022**, a renewed motion to seal any materials related to Plaintiff's motion for leave to amend that Defendants seek to maintain under seal. Defendants shall attach to that motion -- or to a declaration -- redacted versions of any previously redacted or sealed documents for which Defendants consent to narrower redactions than those previously filed. Defendants shall also file under seal unredacted versions of those documents, with the redacted portions highlighted. Defendants shall support any request

to maintain information under seal with an affidavit of a person with personal knowledge of why such information is competitively sensitive, or any other reason why it should be sealed.

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 92, 98, 102, 106. The Clerk of Court is respectfully directed to maintain all currently sealed documents under seal pending a possible renewed motion to seal by Defendants.

Dated: August 15, 2022  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**